

Michael Tizzano
11 Yennicock Ave 1st Fl
Port Washington, NY 11050

New York, 08/16/24

Honorable Judge: Natasha C. Merle
Referred Judge: Steven I Locke
United States District Court for the
New York Eastern Distric
100 Federal Plaza
Central Islip, NY 11722

Re: Case No. 20-cv-4026 (JMA) (SIL) Hernandez v. Rosso Uptown LTD.

DEFAULT JUDGMENT CLARIFICATION REQUEST

REC'D IN PRO SE OFFICE
AUG 16 '24 11:53

Dear Judge Merle,

I am writing to bring to your attention a matter regarding the ongoing case involving "Rosso Uptown LTD".

It has come to my attention that the plaintiffs' attorney is moving for a default judgment against Rosso Uptown LTD and my name is included in his complaint.

I would like to respectfully clarify that I am neither an officer nor a shareholder of "Rosso Uptown LTD". and I have never owned or held any stake in the corporation. Throughout the course of this lawsuit, documents have been continuously submitted to the court, which clearly indicate that "Rosso Uptown LTD" is solely owned by Mr. Massimo Gammella. EXHIBITS "C" "E" "F"

In light of this, I respectfully request that, should your Honor decide to grant the motion for a default judgment against "Rosso Uptown LTD", my name be removed from any such judgment or legal findings relate to this case. As I have no legal or financial connection to "Rosso Uptown LTD", it would be unjust to associate my name with any liabilities or responsibilities of the corporation.

Thank you for your time and consideration of this request. I trust that the court will take the appropriate action based on the facts presented.

Sincerely,

Michael Tizzano



08/16/24

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ AUG 16 2024 ★

LONG ISLAND OFFICE

RECEIVED

AUG 16 2024

EDNY PRO SE OFFICE

**N. Y. S. DEPARTMENT OF STATE
DIVISION OF CORPORATIONS AND STATE RECORDS**

ALBANY, NY 12231-0001

FILING RECEIPT

ENTITY NAME: ROSSO UPTOWN, LTD.

DOCUMENT TYPE: INCORPORATION (DOM. BUSINESS)

COUNTY: NASS

FILED: 01/15/2013 DURATION: PERPETUAL CASH#: 130115000772 FILM #: 130115000721
DOS ID: 4346247

FILER:

EXIST DATE

SERVICO INC.
P.O. BOX 871

01/15/2013

ALBANY, NY 12201

ADDRESS FOR PROCESS:

C/O MASSIMO GAMMELLA
664 FLANDERS DRIVE
VALLEY STREAM, NY 11581

REGISTERED AGENT:

STOCK: 200 NPV

EXHIBIT 'C'

The corporation is required to file a Biennial Statement with the Department of State every two years pursuant to Business Corporation Law Section 408. Notification that the biennial statement is due will only be made via email. Please go to www.email.ebiennial.dos.ny.gov to provide an email address to receive an email notification when the Biennial Statement is due.

SERVICE COMPANY: SERVICO - 35

SERVICE CODE: 35 *

FEEs	160.00

FILING	125.00
TAX	10.00
CERT	0.00
COPIES	0.00
HANDLING	25.00

PAYMENTS	160.00

CASH	0.00
CHECK	0.00
CHARGE	0.00
DRAWDOWN	160.00
OPAL	0.00
REFUND	0.00

48020

DOS-1025 (04/2007)

DAA

F

Form **2553**

(Rev. December 2013)

Department of the Treasury
Internal Revenue ServiceFiled Pursuant to Rev. Proc. 2013-30
Election by a Small Business Corporation
(Under section 1362 of the Internal Revenue Code)

▶ See Parts II and III on page 3.

▶ You can fax this form to the IRS (see separate instructions).

▶ Information about Form 2553 and its separate instructions is at www.irs.gov/form2553.

OMB No. 1545-0047

EXHIBIT
F

Notes. This election to be an S corporation can be accepted only if all the tests are met under Who May Elect in the instructions, all shareholders have signed the consent statement, an officer has signed below, and the exact name and address of the corporation (entity) and other required form information have been provided.

Part I Election InformationType
or Print

Name (see instructions)

ROSSO UPTOWN LTD

A Employer identification number

46-1806292

Number, street, and room or suite no. (if a P.O. box, see instructions)

52 MAIN STREET

B Date incorporated

01/15/2013

City or town, state, and ZIP code

Port Washington NY 11050-2952

C State of incorporation

NYD Check the applicable box(es) if the corporation (entity), after applying for the EIN shown in A above, changed its name or address **Form 1128 ▶ 01/15/13**

E Election is to be effective for tax year beginning (month, day, year) (see instructions)

Caution. A corporation (entity) making the election for its first tax year in existence will usually enter the beginning date of a short tax year that begins on a date other than January 1.

F Selected tax year:

- (1) ☒ Calendar year
 (2) ☐ Fiscal year ending (month and day) ▶ _____
 (3) ☐ 52-53-week year ending with reference to the month of December
 (4) ☐ 52-53-week year ending with reference to the month of ▶ _____

If box (2) or (4) is checked, complete Part II

G If more than 100 shareholders are listed for item J (see page 2), check this box if treating members of a family as one shareholder residing in no more than 100 shareholders (see last 2 under Who May Elect in the instructions) ☐

H Name and title of officer or legal representative who the IRS may call for more information

MASSIMO GAMBELLA**PRESIDENT**

I Telephone number of officer or legal representative

If this S corporation election is being filed late, I declare that I had reasonable cause for not filing Form 2553 timely, and if this late election is made by an entity eligible to elect to be treated as a corporation, I declare that I also had reasonable cause for not filing an entity classification election timely and that the representations listed in Part IV are true. See below for my explanation of the reasons the election or elections were not made on time and a description of my diligent actions to correct the mistake upon its discovery (see instructions).

Election was filed for both NYS and the IRS.

For some reason there was an administrative error and the original 2553 was not recorded.

Sign
Here

Under penalties of perjury, I declare that I have prepared this election and accompanying documents, and, to the best of my knowledge and belief, the facts stated are true, correct, and complete.

Signature of officer

PRESIDENT AND CEO

Title

Date

Form 2553 (Rev. 12-2013)

For Paperwork Reduction Act Notice, see separate instructions.

041

MASSIMO GAMBELLA

